

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.


CRIMINAL ACTION NO. 3:10-00038-01

NORMAN L. TALLEY

ORDER

Pending is defendant Norman Talley's motion to reconsider the Court's previous denial of compassionate release. ECF No. 242. Talley again seeks compassionate release based on his vulnerability to COVID-19. Following a defendant's exhaustion of his or her administrative remedies, a court may reduce the defendant's sentence if the court finds "extraordinary and compelling reasons warrant such a reduction." 18 U.S.C. § 3582(c)(1)(A)(i). Talley claims to have exhausted his administrative rights, but he has not shown an "extraordinary and compelling" reason warrants his release. FCI Milan has a large number of COVID-19 recoveries, but it currently has only three confirmed active cases among inmates. *See COVID-19 Cases*, FEDERAL BUREAU OF PRISONS, <https://www.bop.gov/coronavirus/> (last visited July 25, 2020). These statistics lead the Court to conclude the facility is effectively managing the virus in compliance with the Bureau of Prison's modified operations plan. *See BOP Implementing Modified Operations*, BUREAU OF PRISONS, https://www.bop.gov/coronavirus/covid19_status.jsp (last visited July 25, 2020). The Court therefore **DENIES** Talley's motion, ECF No. 242, and **DIRECTS** the Clerk to send a copy of this Order to counsel and the defendant, the United States Attorney's Office, the United States Probation Office, and the United States Marshals Service.

ENTER: July 27, 2020


ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE